

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
MARCH 15, 2004

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Darrell Hanson at 10:00 a.m. on Monday, March 15, 2004 in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Kathryn Murphy, Chair – Teleconference
Darrell Hanson, Vice Chair
Terrance Townsend
Jerry Peckumn
Heidi Vittetoe – arrived at 10:40 a.m.
Donna Buell
Lisa Davis Cook, Secretary – arrived at 12:55 p.m.
Lori Glanzman
Francis Thicke

ADOPTION OF AGENDA

Add – Present Item 16 – Contract approval for small public water system certified operator training for Small Drinking Water System Operators – Grade A certification after Item 6 – Manure Applicator Certification: Termination of Regular rule Making Proceedings.

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the minutes of the February 16, 2004 meeting. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Jeff Vonk said that the Hydrogen Sulfide hearings are continuing throughout the state. Most public comments oppose moving forward with the proposal. The comment period closes in April.

INFORMATIONAL ONLY

FINAL RULE: CHAPTER 61, WATER QUALITY STANDARDS, CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

Motion was made by Terry Townsend to untable this item. Seconded by Lori Glanzman. Motion carried unanimously.

UNTABLED

The Commission's action at their February 16th meeting adopted the stream designations and protected flows in this rule package and tabled the decision on the remaining rule amendments. The remaining amendments to the state's water quality standards (WQS) are:

- **Site-specific TDS** (total dissolved solids) evaluation procedure. This procedure would require additional testing if the discharge would cause a TDS concentration in the stream greater than 1000 mg/l. The additional testing would include tests that determine whether the effluent is toxic to aquatic life. Tests to determine the concentration of the individual constituents of the dissolved solids are also required. Guideline values for individual constituents are included to guide the permit writer in setting appropriate limits. These guideline values are intended to protect livestock watering, wildlife, and some other uses. Applies to all streams.
- **Acute chloride** criterion set at 860 mg/l. This prevents chloride concentrations in the stream from becoming toxic to aquatic life. Applies only to designated stream segments—not general use segments.
- **Chronic chloride** criterion set at 372 mg/l. This prevents chloride concentrations in the stream from becoming toxic to aquatic life in the long term. Applies only to designated stream segments—not general use segments.
- **Chloride** criterion set at 1500 mg/l. This prevents chloride concentrations in the stream from harming livestock or wildlife that may use the stream for drinking water. This criterion is not intended to protect other uses of the stream. Applies only to general use segments.

The department believes these rule changes are reasonable and protective of water quality and the uses being made of Iowa waters based on the many factors involved and the limited amount of directly applicable scientific data.

The department highlights the following three options:

- A. **Adopt all of the proposed changes.** There has been a lot of discussion about the chloride standard for general use streams (1500 mg/l) being too strict and too lenient. Wastewater facilities have claimed that the chronic chloride criteria (372 mg/l) and the chloride standard for general use streams having major economic impacts on cities that have naturally hard drinking water.
- B. **Adopt only the site-specific TDS evaluation procedure.** There was general agreement from the Technical Advisory Committee on this approach. This would replace the troublesome current TDS standard with a more practical approach. The department does not have detailed analysis on the economic impact of this change but most of the economic arguments were focused on chloride. The department can gather more information about the economic impacts of the chloride standards.
- C. **Do not adopt any of the proposed changes.** This option would leave the department with the current standard for TDS (750 mg/l) that is not practical, not supported with data, and which has not been enforced. However, the department would have more time to develop more detailed economic impact information on all the standards.

The department recommends option B. This would give us a more practical approach to the TDS problem and allow time for the department to gather more information about the economic impacts of the chloride standards.

Chuck Corell explained that acute chloride criterion was adopted from EPA's number. The chronic chloride criterion we took EPA's number of 230 mg/l and we looked at data from Wisconsin that we thought was applicable. This information came out after EPA set their number of 230 mg/l. After combining data we raised the number to 372 mg/l.

PUBLIC PARTICIPATION

LARRY HILL, Farmland Foods, Inc. said that his concerns were that well-intentioned persons affected by the rules would find it almost impossible to comply with the rules and that a safe environment did not require rules to the degree proposed.

Farmland Foods does support Option B – to adopt only the site specific TDS evaluation procedure as recommended by the DNR staff to the EPC, if the EPC adopts the minor revisions to the Support Document that were reviewed and commented on by the DNR staff on March 11, 2004. We do not agree with the numeric standards in the “final rule”.

(A handout of Larry's comments can be located in the Department's Record Center).

JAMES KLOSTERBUER, representing Interstate Power and Light Company said that they support the DNR's recommendation to:

- 1) adopt the narrative site-specific Total Dissolved Solids (TDS) criterion procedure subject to clarification of the Support Document as reflected in the Greg Sindt and E. Robert Baumann letter to Ralph Turkle dated March 10, 2004 and
- 2) postpone establishing chloride limits at this time to allow additional technical and economic impact data to be gathered.

TDS:

Interstate Power and Light Company (IPL) provides electric power service to over 400,000 Iowa customers from various electric generation sources, including steam-driven electric generation power stations. Approximately half of these generating stations will most likely be adversely impacted if the narrative site-specific TDS criterion procedure is not adopted. Power generation requires large quantities of water and IPL believes water resources must continue to be managed in a manner most beneficial to all Iowa citizens. Two examples of the potential impact of this rule are:

1. Steam boilers which drive steam generators require large amounts of pure water from which dissolved solids must first be removed via chemical water softening treatment and/or reverse osmosis. Both of these technologies create water waste streams with elevated levels of dissolved solids. There is no readily available technology to remove dissolved solids from the discharge waters used in both processes. Hence, if a fixed more stringent TDS standard were adopted, it would mean these water treatment processes would need to be used much more frequently to avoid high build-up of dissolved solids...resulting in larger required consumptive use of Iowa water resources.
2. Some IPL generation facilities utilize cooling towers for the purpose of providing cooling in the power generation process. As water evaporates in this cooling process, the dissolved solids become more concentrated in the remaining cooling water. In the case of 2 generation units which use groundwater for the cooling water source, the groundwater itself already contains high levels of dissolved solids. If a fixed more stringent TDS standard were adopted, it would mean this cooling water would need to be flushed from the towers (referred to as "blowdown") more frequently and replaced with new fresh water. This again would result in a much larger consumption of Iowa water resources. For one or more generation units, it potentially could limit the electric power generation depending on the availability of additional water resources.

It is further noted that at a national level, environmentalists are encouraging power generation stations to use cooling towers to minimize the impact and throughput of water for cooling purposes from adjacent rivers, ponds or lakes. A stringent TDS standard would result in more, not less, water required from these water bodies.

IPL believes the proposed narrative site-specific TDS criterion procedure will ensure protection of the aquatic environment at each specific location while also supporting responsible Iowa water resource management.

Chloride Standard:

At this time IPL does not have adequate data on chloride concentrations associated with our water systems to offer extensive comments. However, in general, we believe the same issues and concerns identified above for TDS could apply for overly stringent chloride standards. Hence, because of the potential impact to future Iowa economic development and our existing industries, it is important that high confidence exist for the final chloride standards needed to protect the environment.

(A handout of James Klosterbuer comments can be found in the Department's Record Center.)

JERRY ANDERSON, Midwest Environmental Justice Advocates said that he is not in support of the site-specific TDS standard. Basically this means that there is no standard at all. I think it's improper delegation of your authority to DNR. You are suppose to decide what the health base and water quality standards are suppose to be. The standard should be the same for all rivers, or lakes and not varying from river to river. We need to have a protective standard.

PETE HAMLIN, with MidAmerican said that there are alternatives to charging this Title V fee solely based on tonnage. This year the staff is asking the Commission to approve a temporary increase in the fee to pay for making SPARS wet-enabled. MidAmerican would like to see this happen; however by adding this fee on the tonnage, MidAmerican is going to pay almost 30% of the cost of this particular one time event. We feel that all title V fee payers and holders will benefit from across the board, equal, one time change to pay for this. We are here to say that there is an alternative to just simply increasing the fee for everybody and that is to charge a flat, across the board fee so that all Title V permit holders would pay the same amount because they would get the same benefits.

CHAIM ABRAHMS, from Postville and an employee of AgriProcessors said that the Commission needs to consider the financial and economic impact of the individuals and environment. I think option B with the clarification attached to it is a major step forward in protecting the environment.

SUSAN HEATHCOTE, with the Iowa Environmental Council recommended the Commission to adopt the DNR proposed criteria for chloride in designated waters, with acute criteria of 860 mg/l and chronic criteria of 372 mg/l.

For general use waters replace the current TDS standard of 750 mg/l with TDS criteria of 1000 mg/l, or 2 times the natural background level of the receiving stream, whichever is greater.

The Council is not recommending that the Commission adopt the DNR proposed general use criteria of 1500 mg/l chloride. A general use TDS criteria of 1000 mg/L, or twice the natural TDS background, would provide adequate limits on chloride as well as other dissolved constituents and would assure good water quality for all general uses including livestock and wildlife watering, irrigation, and aquatic life.

It should also be noted that the Council's proposed amendment to the proposed rule is not an increase in water quality protection for general use waters, but a decrease in protections from the current standard of 750 mg/L. When compared to they current rule, this amendment would have

additional economic impact associated with it and instead would provide some relief for wastewater dischargers who are exceeding the current TDS standard.

The Council believes that adopting a site specific approach for TDS that does not protect all general uses (including irrigation and incidental water withdrawal uses) is inconsistent with the general water quality criteria section 61.3(2) of Chapter 61, which reads as follows:

61.3(2) General water quality criteria. The following criteria are applicable to all surface waters including general use and designated use waters, at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by the specific numerical criteria of subrule 61.3(3).

The IEC proposal would amend subrule 61.3(2) paragraph “g” as follows: g. Total dissolved solids shall not exceed ~~750 1000 mg/l or two times the natural background level of TDS, whichever is greater, in any lake, or impoundment, or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point sources.~~

The Council prefers that we leave the three options alone and come back to this Commission with more information so that we can set a protective water quality standards for TDS and chloride.

(A handout of Susan Heathcote’s comments can be located in the Department’s Record Center.)

KENT HOUSTON, representing Burke Corporation, a manufacturer of fully cooked meat products. Kent said that they support Option B as it’s proposed to be revised. Thank you for your consideration.

BOB PENROD, representing the City of Calmar expressed his concern with the TDS standard and the economic impact that it will have on the residents of Calmar.

CARL SITZMANN, representing Gelita USA, Inc. said that they are in support of the DNR recommended Option B to adopt only the site-specific TDS evaluation procedure with amendments as specified in the Action Requested below.

GELITA USA is supportive of not establishing chloride limits at this time for the following reasons.

- 1) Limits are too stringent. Technical expert opinions by Dr. E. Robert Baumann, P.E. and aquatic toxicologists Dr. Wesley J. Birge of the University of Kentucky and Dr. Gary J. Atchinson of Iowa State University have stated that proposed chloride limits are more stringent than required to protect aquatic life in streams.
- 2) Unknown economic impacts. The DNR has stated in their recommendation that the department needs to gather more information about the economic impacts of the chloride standards.

- 3) Unknown/Undefined benefits. DNR staff has stated that they are not aware of any benefits associated with the establishment of chloride limits. No one has presented any information to counter this.

GELITA USA is supportive of the site-specific TDS evaluation procedure (as described in our Action Requested) for the following reasons:

- 1) It eliminates the current unattainable limit of 750 mg/l.
- 2) It gives the DNR the proper authority and judgment to customize appropriate limits for individual municipalities or industries based on specific conditions and measurements for that municipality or industry.
- 3) It eliminates Option D (see Greg Sindt's Position Paper) from consideration. The TDS limits proposed by Commissioner Hanson in the January 2004 EPC meeting, although appearing to be a loosening of limits from 750 mg/l to 1000 mg/l, actually tighten the limits by redefining the regulated streams to include all streams rather than the current rule which affects only certain streams meeting a minimum flow criteria.

(A handout of Carl Sitzmann's comments can be located in the Department's Record center.)

PAUL NOLAN (Greg Sindt read his comments):

The City of Sioux City is opposed to the alternatives proposed by DNR for the Final Rule of Chapters 61 and 62 as presented in item 4 of today's EPC Agenda in the absence of a realistic economic impact study, cost/benefit analysis data or water quality studies.

The City of Sioux City is a regional wastewater facility treating over 14 million gallons per Day (MGD) of industrial, commercial and residential wastewater from Sergeant Bluff, Iowa, South Sioux City, Nebraska, North Sioux City, South Dakota, Dakota Dunes South Dakota, and Gelita USA, Woodbury County Iowa. Sioux City's Wastewater Treatment Plant discharges effluent to the Missouri River. The wastewater facility receives industrial waste from 19 Major Industrial Users (MIU's) in this region.

Potable is provided to these Siouxland Communities by individual water utilities at this time. None of these water treatment plants provide for central lime softening of the treated water and produce finished potable water with a hardness of approximately 360 mg/l to 400 mg/l. TDS of potable water ranges 400-600 mg/l. Wastewater Treatment Plant effluent Chlorides and TDS currently average 600 mg/l and 2276 mg/l respectively.

The DNR proposed alternatives ignore the testimony and opposition expressed by participants in the February 2004 EPC meeting in that no additional economic impact analysis nor aquatic habitat studies have been conducted. Instead it appears as though it is the DNR recommendation to proceed with alternative b. Alternative b is also supported by any of use here only because no numeric limits are established for Chlorides and TDS, and it will replace the problematic 750 mg/l which all parties have agreed is a bad rule. Nonetheless, communities can be significantly impacted by adoption of Alternative b. It does not make sense to me to propose a rule that is not solidly researched for its' benefit/cost ratio and its' real impact on aquatic life in receiving

streams. Until those analyses are completed you appear to be making rules in the absence of science.

The City of Sioux City requests that the EPC table any action on establishing limits for Chloride and TDS until such time as water quality data from lakes and streams in Iowa can be gathered and evaluated, and that detailed financial impacts of proposed rules be conducted along with cost benefit analyses prior to implementation of any standard (s). Further, the City recommends that the EPC revise the rule references Supporting Document Part F. as recommended by DNR staff.

(A handout of Paul Nolan's comment can be located in the Department's Record Center.)

DR. E. ROBERT BAUMANN, Emeritus Professor of Civil, Construction, and Environmental Engineering at Iowa State University made the following comments:

DNR staff have proposed three options for action by the EPC on the TDS and chloride rule revisions. I support Option B – adopt only the site-specific TDS evaluation procedure if the recommended revisions to the rule-referenced Supporting Document as attached and as DNR reviewed and commented on March 11 are adopted.

Others have spoken to the problems of Option A – Adopt all to the proposed changes and Option C – Do not adopt any of the proposed changes. I will discuss the problems associated with Commissioner Darrell Hanson's January 20 motion for replacing the 1,500 mg/L chloride standard in the proposed "final rule" with a 1,000 mg/L TDS standard for application to all waters (regardless of the receiving stream flow rate).

The effects of changes proposed by Commissioner Hanson to our Iowa Water Quality Standards and regulated dischargers should be evaluated based on our existing or current Standards:

1. With regard to 61.2 (5) Implementation Strategy, the important FACT is that "numerical criteria specified in these water quality standards shall be met when the flow in the receiving stream equals or exceeds the design low flow noted below:

	Aquatic Life Protection (Toxics)
Acute	1Q ₁₀
Chronic	7Q ₁₀
	Aquatic Life Protection (Ammonia – N)
Acute	1Q ₁₀
Chronic	30Q ₁₀

The DNR may waive the design low flow requirement and establish a minimum flow in lieu thereof. They have done this as "protected flows."

2. All waters of the state are classified for protection of beneficial uses, including general use segments and designated use segments. "General use segments – are intermittent watercourses and those watercourse which typically flow only for short periods of time following precipitation in the immediate locality or as a

result of discharges from wastewater treatment facilities and whose channels are normally above the water table. These waters do not support a viable aquatic community of significance during low flow and do not maintain pooled conditions during periods of low flow.”

“However, during periods when sufficient flow exists in the intermittent watercourses to support various uses, the general use segments are to be protected for livestock and wildlife watering, noncontact recreation, crop irrigation, and industrial, agricultural, domestic, and other incidental water withdrawal uses. The aquatic life existing within these watercourses during elevated flows will be protected from acutely toxic conditions.”

Most general use streams have no natural flows except during and immediately after rainfall events. DNR staff uses the quantitative acutely toxic levels of pollutants to the fathead minnow to protect the general use segments of streams for protection of aquatic life. For total dissolved solids (TDS), that acutely toxic quantitative level is undeterminable because the composition of TDS is never the same from place to place or time to time. The acutely toxic quantitative level of chloride based on EPA data and data from many researchers using sodium chloride as the source of the chloride is 6,570 mg/L. In practice, one-half of this level – or 3,285 mg/L of chloride is used as the water quality level to protect aquatic life in general use streams.

When sufficient flow exists in general use stream segments, we are to protect various uses. What is the definition of “sufficient flow”? When there is no flow, there can be no use!

We have been unable to establish any scientific or economic basis for judging how much flow is sufficient to justify protection of “various uses.” To irrigate 100 acres of cropland with two inches of water in one day, we would need over 5 cfs of flow in the general use stream and would use all of it. But, in most general use streams only precipitation would produce such flows and then we would need no irrigation.

When does sufficient flow exist in general use stream segments to protect various uses? What is the definition of “sufficient flow” to protect “livestock and wildlife watering”?

If there is no flow, as there isn’t much of the time, livestock and wildlife must have another source of water for nature does not provide that continuous resource in Iowa general use streams.

Before we can establish treatment plant effluent criteria, we need to establish the level of “sufficient flow” that we will need to protect various uses.

Would we have significant technical and economic problems in meeting the proposal/recommendation for a 1,000 mg/L TDS standard for all waters that has been made to the EPC?

1. The current standards indicate that “total dissolved solids shall not exceed 750mg/L in any lake or impoundment or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges “When? DNR staff have indicated,

and I agree, that this current standard is nebulous. Under what stream flow conditions is the 750 mg/L TDS standard applicable? One interpretation is that the standard applies only when the flow rate upstream of the point of discharge is greater than three times the wastewater discharge flow rates. Lets take the City of Pocahontas, as an example. From recent wastewater analyses, we find that Pocahontas, population of 2,085, produces about 0.35 MGD of treated wastewater still containing 2,630 mg/L of TDS and 969 mg/L of chloride. This wastewater is discharged into Lizard Creek, a general use stream, about 13 miles upstream of the point at which Lizard Creek is classified as a Class B (L.R.) warm water stream. A review of the Pocahontas NPDES waste load allocation indicates that the 30Q₁₀, the 7Q₁₀ and 1Q₁₀ flows in Lizard Creek are all zero flows. Thus, the flow at which the 750 mg/L TDS limits kicks in would be 3 times the wastewater introduced, or 0.35 MGD x 3 = 1.05 MGD and allowable TDS in the wastewater would be 2,250 mg/L. Thus, contrary to comments, recommendations, and motions made that adopting a limit of 1,000 mg/L applied to all waters would relax the motions made that adopting a limit of 1,000 mg/L applied to all waters would relax standard, the standard would change the discharge TDS requirement from 2,250 mg/L TDS to 1,000 mg/L and that is a much more stringent requirement. Pocahontas cannot technically and economically meet this requirement since its drinking water contains 1,240 mg/L of TDS and has a hardness of 768-820 mg/L which its citizens soften with ion exchange home water softeners, thus adding additional TDS and chloride to its wastewater.

Similarly, the City of Calmar, Iowa, population of 1,026, produces 0.101 MGD of wastewater which recently showed a TDS level of 1,216 mg/L and a chloride level of 450 mg/L. This wastewater is discharged into Calmar Creek a general use stream 6 ½ miles upstream of its confluence with the Turkey River, which has a 1Q₁₀ flow of 10.4 cfs, a 7Q₁₀ flow of 12 cfs and a 30Q₁₀ flow of 13.4 cfs. Thus, the 750 mg/L TDS rule would permit a Calmar TDS discharge of 2,250 mg/L, which Calmar meets. However, Calmer would not be able to technically and economically meet a 1,000 mg/L TDS applied to its general use receiving stream.

Once again, any change from the current 750 mg/L TDS applied to streams above a calculated minimum flow to the discussed 1,000 mg/L TDS limit applied to all waters would severely impact hundreds of Iowa cities.

Please note that TDS is not a scientifically supportable measure of toxic pollutants in Iowa Streams. That's why the DNR Technical Advisory Committee strongly supported the use of TDS only as a "guideline" to initiate requirement of a "whole effluent toxicity" test and analysis to identify potential toxic constituents.

All will have a problem in meeting a 1,000 mg/L TDS limit. There is no economical way for these cities to reduce the TDS in their wastewater. The primary approach would be to prohibit all home water softening and provide a central lime-soda ash softening plant to reduce TDS and eliminate use of sodium chloride for softener regeneration. Most communities under about 4,000-5,000 population would be unable to operate such a system technically and economically. The first cost for such a plant at LeMars (population of 9,435) has been estimated to be \$11,000,000 with an operating cost of \$925,000 per year.

In summary, the 1,000 mg/L TDS standard applied to all waters as proposed by Commissioner Hanson in January has no technical basis, results in a more stringent standard than the current 750 mg/L TDS standard, and will result in economic and technological infeasible NPDES TDS discharge limits for more than two hundred dischargers.

GREGORY SINDT, representing Bolton & Menk, Inc. said that he along with other professionals and impacted parties recommend that the EPC adopt Option B as recommended by DNR staff if the EPC adopts the minor modifications indicated on the attachment to the rule-referenced "Supporting Document for Iowa Water Quality Management Plans", Chapter IV, Part F. Total Dissolved Solids as recommended by DNR staff.

At the February 16 meeting I presented data that indicates the DNR estimated fiscal impact of the proposed Final Rule of only \$800,000 to \$4.3 million total for all dischargers in the state is too low. The cost to the City of LeMars alone would be \$11 million capital cost plus \$925,000 per year operating cost. More than 250 municipal plus several industrial dischargers, rather than 4 to 6 municipalities as assumed by DNR, will be impacted by the proposed chloride standards. Therefore, the actual impact of the proposed final rules is greater than \$300 million capital cost plus more than \$10 million per year operating cost. Unfortunately, DNR does not have the current stream and discharge water quality data base required for a more accurate evaluation of the cost impacts, but my estimates probably under state the actual cost of compliance.

At the February 16 meeting, DNR staff indicated that there were no identified significant environmental benefits resulting from the proposed final rule. Therefore, the proposed rule does not pass a benefit/cost analysis.

The following are reasons why we support the DNR staff recommendation for the Option B action:

1. The proposed 372 mg/L chloride chronic criteria in Alternate A is ore stringent than required to protect aquatic life in streams. A higher chronic criteria is supported by Dr. E. Robert Baumann, P.E. and expert aquatic toxicologists Dr. Wesley J. Birge of the University of Kentucky and Dr. Gary J. Atchison of Iowa State University as explained in their statements at the February 16 EPC meeting.
2. There is no sound scientific basis for the 1,500 mg/L chloride standard applied to all streams that is included in Alternate A as Dr. E. Robert Baumann explained at the February 16 EPC meeting.
3. The use of the site-specific approach in Alternate B allows more flexibility to DNR staff in drafting NPDES permits than the "final rule" water quality standards if the Supporting Document is clarified as requested in the attached revisions to the rule reference support document. This allows DNR to use a more rational approach than simply applying a standard which may not be relevant to the specific stream and its designated use.
4. The adoption of the site-specific criterion procedure in Alternate B will replace the current 750 mg/L TDS rule which all parties agree is a bad rule. This eliminates the threat of legal action by EPA or other parties for enforcement of the current 750 mg/L TDS standard.

5. The use of the narrative criteria in Alternate B provides a higher level of water quality projection than the current 750 mg/L TDS standard as that current standard has been rarely applied in NPDES permits.
6. If, after further study and more research by DNR staff and the regulated community and it becomes desirable, chloride criteria can be developed and implemented as water quality standards in the future. The DNR recommended approach using the narrative criteria rather than adopting a chloride standard at this time avoids the potential problems associated with attempting to relax in the future a chloride standard set today that may appear to be too stringent.
7. Option D (1,000 mg/L TDS standard applied to all waters) is not based on scientific evidence that TDS is an appropriate parameter for use as a water quality standard, is not supported by the Technical Advisory Committee or DNR staff, and will result in more than \$500 million fiscal impact. It is not a technically achievable standard for more than 200 municipal and industrial dischargers. Option D, if adopted, will most certainly be rejected by the Legislative Rules Review Committee due to inadequate benefit/cost evaluation. The current 750 mg/L TDS standard would then remain in effect with the associated problems discussed previously in item 4 above.

In summary, I support and recommend that the EPC take the DNR recommended action Option B- Adopt only the site-specific TDS evaluation procedure if the EPC revises the rule-referenced Supporting Document as reviewed on commented by DNR staff and as shown in the attached revised Part F. document.

Thank you for your diligent attention to this most important issue which significantly impacts hundreds of dischargers including municipalities, industries which discharge wastewater to city sewer systems as well as to receiving streams, and dischargers of non-contact cooling water.

STEVE VEYSEY, representing Hawkeye Fly Fishing Association talked about the proposed cold water stream assessment and protocol. I am concerned with: 1) that the maximum temperature can only be 75 degrees and can never once exceed that. My concern is with the high flow where you could have a small cold water stream, most streams will flash. When they do you will have a 10 to 1 delusion with water that is warm instead of cold. 2) The cost estimate is probably too high. We have offered to collaborate with the City of Garnavillo in having a representative present a seminar to Garnavillo. The cost would be approximately \$1,000. We are offering to put out \$900, if Garnavillo will put out \$100, so we can move forward with finding new solutions.

MARK TRUESDELL, with Iowa Dairy Foods said that they support Option B as workable and a step forward. We would also ask that there be a slight change in the wording as discussed this morning.

GARY SCHELLHORN, President of Iowa Water Pollution Control Association said that he supports Option B; however we do have some concerns. 1) What is the site would fail the wet testing for something other than the TDS or chlorides? We support the comments made by Mr. Greg Sindt regarding the language changes. We also encourage and support stream studies to be completed to ensure that the impact that cities and industries have on these receiving streams.

As Dr. Baumann stated there has not been a significant amount of testing done by the DNR on this issue. We would be more than happy to help assist in any type of sampling protocol that would take place.

KONNI CAWZIWELL, representing Iowa League of Cities. This is an association of 870 of the 948 cities in Iowa, with over half of these cities under 500 in population. The 2000 census indicates that approximately 77 percent of Iowans live in incorporated boundaries of a city. Over the years our members have become increasingly interested in the water and air quality standards proposed by the Iowa Department of Natural Resources (IDNR). Today we ask the Environmental Protection Commission to establish rules and regulations that remove the more stringent criteria previously proposed regarding chloride standards.

Many of our members could be significantly affect by IDNR's original proposal to the Environmental Protection Commission (EPC) to amend Iowa's TDS water quality standard. We have been notified by professionals in this field that more than 250 cities could potentially be impacted by the original proposed rules. The adverse effects that many of Iowa's cities will suffer from the proposed change will be a huge financial impact, forcing cities to upgrade and purchase additional equipment. Additional costs will not allow them to operate at the taxing capacity citizens expect and Iowa law allows.

It is our understanding that IDNR has recently developed a revised proposal. We understand this revised IDNR proposal is being referred to as Alternative B in the IDNR staff brief to the EPC. The Iowa League of Cities can support Alternative B if it is clarified as suggested in the letter received from Bolton & Menk, Inc. that requests the IDNR clarify the Support Document.

With this clarification, our association could support DNR's recommendation of Alternative B. DNR's agreement to this clarification will eliminate objections from our members to DNR's recommendation of Alternative B at the EPC meeting.

As cities throughout Iowa are increasingly pressured to lower taxes, they must become more prudent and efficient with their budgets. The restrictions being discussed here today regarding chloride standards could potentially cost cities millions of dollars. This is like placing a death wish for small communities to exist, as it is hard enough for them to generate enough revenue for essential services let also new cost requirements. We appreciate the opportunity to express our concerns to the EPC and look forward to working with IDNR in the future.

(A handout of Konni Cawiezell's comments can be located in the Department's Record Center).

SCOTT LANGAL, City of LeMars recommends that the EPC take the DNR recommended action option B – adopt only the site specific TDS evaluation procedure and that the EPC revise the rule referenced by the supporting documents as recommended by the DNR staff. The City of LeMars is in the process of constructing \$6.9 million dollars worth of water system improvements as well as \$8 million dollars in the waste water arena at the treatment plant. That is almost \$15 million dollars in protecting our environment. These rules would certainly put LeMars in a very costly situation.

Darrell Hanson said that due to the weather, we will only be taking up items that need to have a decision made today.

Wayne Gieselmann said that Item 5 – NOIA Chapter 61, Item 6 Manure Applicator Certification – Termination of Regular Rule Making Proceedings, Item 7 Contract – Purchase of Recycling Education Trailer from Freeman Exhibits, Item 8 SWAP - Recommendations, Item 16 Contract Approval for small public water system certified operator training for Small Drinking Water System Operators – Grade A certification and Item 11 NOIA – Chapter 137 “Land Recycling Program” need to have action today.

JAY EATON, Lawyer for AgriProcessors said that there are some groups taking very extreme positions from one side of the spectrum to the other. The current situation is a standard of 750 TDS that is not being implemented because it makes no sense. When it comes to the Commission on behalf of the State of Iowa, there needs to be a balance between the interests of all citizens including those on both extreme sides. Alternative B sounds like the compromise. It is the balance. I would urge in the interest of all Iowans that the Commission do the balancing that the statute requires and not to select either extreme position.

NOTICE OF INTENDED ACTION: CHAPTER 61, WATER QUALITY STANDARDS, “COLD WATER USE DESIGNATION ASSESSMENT PROTOCOL”

Chuck C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a Notice of Intended Action regarding proposed rulemaking to amend the State’s cold water aquatic life use designation and to adopt a protocol for assessing and designating water bodies for cold water aquatic life uses.

The Notice of Intended Action initiates modifications to Iowa’s current Water Quality Standards (WQS) use designation intended to protect cold water aquatic life. The IDNR is proposing to split the current cold water use designation into two use designations, Class B(CW1) and Class B(CW2). The purpose of the split is to reflect the type or extent of uses by cold water aquatic species. Included in the proposed modifications to the standards are associated revisions to the ammonia nitrogen and dissolved oxygen criteria applicable to each proposed Cold Water use designation.

The Notice of Intended Action also includes a rule-referenced document “Cold Water Use Designation Assessment Protocol” into the Water Quality Standards. The proposed protocol would be applied to existing Class B(CW) waters and to waters where existing data are available to complete the assessment for cold water aquatic life use designations. This guidance document will be used in future cold water aquatic life stream designation efforts and will be updated as the science and techniques of assessing uses evolve. Any amendments to the reference document will proceed through formal rule making and will reflect the date of the revised documentation.

Motion was made by Lori Glanzman to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

MANURE APPLICATOR CERTIFICATION: TERMINATION OF REGULAR RULE MAKING PROCEEDINGS

Gene Tinker, Animal Feeding Operation Coordinator presented the following item.

At its October, 2003 meeting the Commission approved the Manure Applicator Certification rules and associated definitions, as outlined in 2003 Iowa Acts, House File 644. The Commission authorized the “double-barrel” approach, meaning that both emergency rule making and regular rule making processes were implemented simultaneously. Accordingly, the Manure Applicator Certification rules became effective on January 1, 2004 (Adopted and Filed Without Notice; ARC 2923B), and the regular rule making process was also initiated to allow for public comment (Notice of Intended Action published on November 12, 2003 as ARC 2924B). Few comments were received during the public comment period or at the public hearing on December 3, 2003. No changes are necessary to the rule provisions already in effect and the Commission is requested to terminate the regular rule making portion (ARC 2924B) of the “double-barrel” approach.

<i>Motion was made by Jerry Peckumn to approve the item as presented. Seconded by Francis Thicke. Motion carried unanimously.</i>

APPROVED AS PRESENTED

CONTRACT APPROVAL FOR SMALL PUBLIC WATER SYSTEM CERTIFIED OPERATOR TRAINING FOR SMALL DRINKING WATER SYSTEM OPERATORS - GRADE A CERTIFICATION

Chuck C. Corell, Chief of the Water Quality Bureau presented the following item.

Commission approval is requested to enter into a contract with the Iowa Section of the American Water Works Association to provide training to operators of small community public water systems serving not more than 3,300 persons so that they may become certified as Grade A operators. The cost of this contract will not exceed \$36,200.

Funding for this project comes from the federal Operator Certification Reimbursement Grant that was received by the Department for training and certification for water supply operators of community public water systems serving not more than 3,300 persons.

Requests for Proposals were sent to a list of “Targeted Small Businesses”, trainers who have provided similar work for the State, posted on the Internet, and advertised in the Des Moines Register.

Three proposals were submitted to the department. The proposal from Iowa Section – American Water Works Association received the highest score based on the:

- lowest cost per workshop
- proposed use of six experienced trainers, positioned across the state, how demonstrate and understanding of Iowa's water supply operation permits
- history of providing quality water supply operator training
- demonstrated understanding of the unique needs of Iowa's Grade A systems
 - use of the workshops to create a support structure suited for fostering long-term relationships with the Grade A operators for on-going technical support and future continuing education

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – PURCHASE OF RECYCLING EDUCATION TRAILER FROM FREEMAN EXHIBITS

Tom Anderson, Environmental Specialist Senior in the Energy & Waste Management Bureau presented the following item.

The Commission is requested to approve a contract for services between the Department and Freeman Exhibits, to design and build an education trailer highlighting energy and waste management issues. The contract amount is not to exceed \$250,000 for the period between April 2004 and October 2004. This expenditure will result in the creation and development of a mobile education trailer that includes new display panels, multi-media stations, and interactive exhibits that can be used by various Iowa entities for different types of events.

Background

Over the past two years, the Energy and Waste Management Bureau of the Iowa Department of Natural Resources had two mobile educational display (mobile marketing) trailers available. The two trailers were over-the-road semi-trailers and had different messages, activities, and displays. However, they both focused on promoting environmental stewardship with specific activities for adults and children. These trailers were reserved by local officials for various events (county fairs, festivals, and other educational and promotional activities). There was an incredible demand for the trailers, especially during the spring and summer months. Feedback received from event managers was overwhelmingly positive. Most appreciated the opportunity to reserve a trailer and thought it was a valuable addition to their event. However, one trailer had to be sold to due continuing electrical difficulties.

Given that requests to reserve the trailers are still being received, the Department sought a qualified contractor to assist us in the creation of a new and unused educational trailer. The trailer will be built to precise standards and have interior displays that will promote environmental stewardship through energy management, recycling, and waste management

messages. The audience for the trailer will focus on 3rd through 8th graders; however, the trailer will be used for a wide variety of audiences on occasion.

The Energy & Waste Management Bureau believes it is important to promote environmental stewardship to children across Iowa. This trailer will be a fun and interactive outreach mechanism, easy to use, update and customize, and provide a means for this bureau to support environmental ideas and activities.

Project Description and Rationale

The new trailer is required due to the amount of continual requests we receive from local entities seeking an exciting educational tool. The trailer would be used by local energy and waste management professionals, teachers, and retailers throughout the state to promote energy and waste management issues. When not in use throughout the state, the trailer will be used by staff at Spring brook Education Center to augment their energy and waste management programs. The trailer would also be used on a bi-annual basis as the Energy and Waste Management Bureau's display at the Iowa State Fair.

Education is a primary component of the overall mission of the Department of Natural Resources and a key component to any change in behavior and decision-making. Environmental education is not mandated for inclusion within educational curriculums throughout Iowa's school systems. Efforts to include these areas are done on the basis of individual school or educator initiative and interest and are random at best. Likewise, available DNR staff and staff time needed to provide educational events and opportunities is also challenged and random in consideration of mandated projects and responsibilities.

Providing education through a mobile educational unit is a sensible and vital link in connecting Iowans to the messages of energy and waste management. An approach such as this allows outreach to a diversity and multitude of audiences throughout Iowa and beyond.

Transportation is provided at no cost to the Department by Mid-America Recycling.

This project will directly benefit a number of different sectors. Having a quality, permanent display that can be used at the state fair as well as other state events will benefit DNR staff. Use of the trailer will assist the Department in communication of environmental stewardship messages. These displays will benefit energy and waste management professionals, local governments, schools, retailers, and citizens of Iowa by providing an innovative and exciting method of education.

Contractor Selection

The Bureau mailed copies of the RFP to over twenty different trailer construction and design firms and made the RFP available on our web site. Three proposals were received. A review team consisting of four Bureau staff (Tom Anderson, Mel Pins, Valerie Drew, and Julie Tack) and two stakeholders (Mary Gillaspey, Metro Waste Authority and Mick Barry, Mid-America Recycling) reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, budget, and references.

After reviewing the proposals, the review committee selected a proposal from Freeman Exhibits from Dallas, TX. Primary reasons for selection included the design concept and prior quality work. A table detailing reviewer scores is given on the next page.

	Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Reviewer 5	Reviewer 6	Average Score
Trailer Technologies	71	81	81	76	78	59	74
Freeman Exhibits	87	98	80	93	71	78	85
Mobility Resource Associates	68	68	60	77	81	58	69

No general fund monies will be used to meet these obligations.

BUDGET AND TIMELINE

As previously stated, the entire cost of this project will not exceed \$250,000. Below is a table outlining completion dates for deliverables. The Department would like to have this trailer ready to display at the 2004 Iowa State Fair.

Deliverables	Completion Date
Interior layout (types of displays, number of computers, TVs, etc.) complete	April 15, 2004
Interior display ideas fully conceptualized, mapped out, and approved by DNR	May 15, 2004
Trailer exterior complete	May 31, 2004
DNR and contractor finalize text throughout trailer	June 15, 2004
Displays, carpeting, and paneling complete throughout interior of trailer	July 15, 2004

Tom Anderson said that the Department applied for a grant with EPA, through their education program, as of this morning no decisions have been made. We applied for the maximum of \$75,000.

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Francis Thicke. Roll call vote went as follows: Donna Buell – aye; Darrell Hanson – aye; Kathryn Murphy – aye; Francis Thicke – aye; Terry Townsend – aye; Lori Glanzman – aye; Jerry Peckumn – aye; Heidi Vittetoe – nay. Motion carried.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Tom Anderson, Environmental Specialist Senior in the Energy & Waste Management Bureau presented the following item.

The Department received 14 proposals, requesting over \$1,300,000 in financial assistance, for consideration during the January 2004 round of funding. Eleven (11) projects were selected for funding or additional consideration. If approved they will receive \$713,846 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew & Becky Spiess), Iowa Society of Solid Waste Operations (Tom Hadden), Iowa Recycling Association (Michaela Rich), and the Iowa Waste Exchange (Dennis Hayworth).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion	
Local Government	5	\$104,187	\$104,187	
Private For Profit	4	\$569,659	\$60,000	
Private Not For Profit	2	\$40,000	\$40,000	
Recommended By Project Type	# Awards	Award Amount	Forgivable Portion	Loan
Best Practices	6	\$298,631		\$85,272
Market Development	2	\$336,300		\$40,000
Education	3	\$78,915		\$78,915
Type of Award	# Awards	Award Amount	Forgivable Portion	Loan
Forgivable loan only	7	\$144,187		\$144,187
Forgivable and 0% loan only	2	\$81,375		\$40,000
Forgivable, 0%, and 3% interest loan	1	\$292,050		\$20,000
3% interest loan only	1	196,234		\$0

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

SOLID WASTE ALTERNATIVES PROGRAM

PROPOSAL RECOMMENDATIONS – JANUARY 2004

The Department received fourteen (14) proposals, requesting over \$1,300,000 in financial assistance, for consideration during the January 2004 round of funding. Eleven (11) projects were selected for funding. If all are approved they will receive \$713,846 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those \$25,000 and below, and proposals received but not selected.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

BEST PRACTICES PROJECTS

GreenMan Technologies of Iowa 1914 East Euclid Avenue Building A Des Moines, Iowa 50313	Forgivable Loan: \$0 Zero Interest Loan: \$0 3% Interest Loan <u>\$196,234</u> Total Award Amount: \$196,234
	Cash Match: \$65,411 In-Kind Match: <u>\$1,157,000</u> Local Match: \$1,222,411
	Total Project Cost: \$1,418,645
Project Title:	The One-Inch Quality Enhancement Project
Contact:	Chuck Grob Phone: 515-987-5829
Project Type:	Best Practices
Applicant:	Private For Profit
Description:	The applicant is proposing to upgrade processing capacity by replacing the current screening system with improved equipment, thereby eliminating the cause of the processing bottleneck. Process improvement will increase final product volume by 50%.
Target Area:	State of Iowa

R&C Recycling Church Street Webb, Iowa 51366	Forgivable Loan: \$20,000 Zero Interest Loan: \$17,125 3% Interest Loan <u>\$0</u> Total Award Amount: \$37,125
	Cash Match: \$12,375 In-Kind Match: <u>\$82,000</u> Local Match: \$94,375
	Total Project Cost: \$131,500
Project Title:	R&C Recycling Expansion Project
Contact:	Chris Hart Phone: 712-260-1934
Project Type:	Best Practices
Applicant:	Private For Profit
Description:	The applicant is proposing to relocate to a larger facility and begin to accept additional recyclable materials (paper, plastics and glass). The applicant operates a cardboard recycling company by contracting with commercial enterprises.
Target Area:	Northwestern, Western, & Central Iowa

EDUCATION PROJECTS

University of Northern Iowa Center for Energy and Environmental Education Cedar Falls, Iowa 50614	Forgivable Loan: \$20,000 Zero Interest Loan: \$12,987 3% Interest Loan <u>\$0</u> Total Award Amount: \$32,987
	Cash Match: \$32,049 In-Kind Match: <u>\$8,780</u> Local Match: \$40,829
	Total Project Cost: \$73,816
Project Title:	Iowa Networking, Training, and Education Initiative (INTEI)
Contact:	Susan Salterberg Phone: 319-498-4516
Project Type:	Education
Applicant:	Local Government
Description:	The applicant is proposing to develop a website for teachers/solid

waste educators that deals with waste reduction education, conducting training and networking meetings, and workshops for Iowa teachers as continuing education credits on waste reduction.

Target Area: State of Iowa

MARKET DEVELOPMENT PROJECTS

Midwest Fieldturf Company
22 South Main
PO Box 161
Denison, Iowa 51442

Forgivable Loan: \$20,000
Zero Interest Loan: \$150,000
3% Interest Loan \$122,050
Total Award Amount: \$292,050

Cash Match: \$522,480
In-Kind Match: \$2,500
Local Match: \$524,980

Total Project Cost: \$817,030

Project Title:

Midwest Fieldturf Expansion Plan

Contact: Paul Launderville Phone: 712-263-6445

Project Type: Market Development

Applicant: Private For Profit

Description: The applicant specializes in constructing artificial turf fields for football, soccer, and baseball. The applicant is proposing to expand through purchase of additional equipment and hiring additional employees to meet installation jobs.

Target Area: State of Iowa

ERP Roofing Product LLC
1137 North Elm Street
West Liberty, Iowa 52776

Forgivable Loan: \$20,000
Zero Interest Loan: 24,250
3% Interest Loan \$0
Total Award Amount: \$24,250

Cash Match: \$44,000
In-Kind Match: \$0
Local Match: \$44,000

Total Project Cost: \$88,500

Project Title:**Roofing Product Containing Recycled Asphalt Shingles****Contact:** Lyle Meyer Phone: 319-627-3200**Project Type:** Market Development**Applicant:** Private For Profit**Description:** The applicant is requesting funds for research, testing, and equipment for the development of a new Class C roofing product from recycled asphalt shingles. This product would be added to their existing product line of roofing materials.**Target Area:** State of Iowa**PROPOSAL RECOMMENDATIONS: \$25,000 AND BELOW****BEST PRACTICES PROJECTS**

City of Cedar Falls
215 East 15th Street
Cedar Falls, Iowa 50613

Forgivable Loan: \$20,000
Zero Interest Loan: \$0
3% Interest Loan: \$0
Total Award Amount: \$20,000

Cash Match: \$29,497
In-Kind Match: \$128,300
Local Match: \$157,797

Total Project Cost: \$177,797**Project Title:****Seasonal Yard Waste Compost Facility****Contact:** Brian Heath Phone: 319-273-8629**Project Type:** Best Practices**Applicant:** Local Government**Description:** The applicant is proposing to purchase a compost screen as the last major piece of equipment needed for facility operation. The city recently constructed and equipped a yard waste compost facility.**Target Area:** City of Cedar Falls

Pearl City Rugby Club
2415 Park Avenue
Muscataine, Iowa 52761

Forgivable Loan: \$20,000
Zero Interest Loan: \$0
3% Interest Loan: \$0
Total Award Amount: \$20,000

		Cash Match:	\$287,320
		In-Kind Match:	<u>\$637,310</u>
		Local Match:	<u>\$924,630</u>
		Total Project Cost:	\$944,630
Project Title:			
Pearl City Athletic Complex			
Contact:	Mike Nelson	Phone:	563-263-3410
Project Type:	Best Practices		
Applicant:	Private Not For Profit		
Description:	The applicant is proposing to construct a new multi-use athletic facility. Assistance is request for the purchase of FieldTurf, a synthetic field using recycled crumb rubber mixed with sand as a base and a mat woven with artificial blades of grass sewn into the sides of the field.		
Target Area:	Muscatine		

Digital Aid, Inc.		Forgivable Loan:	\$20,000
3520 Beaver Avenue		Zero Interest Loan:	\$0
Suite D16		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	<u>\$20,000</u>
Des Moines, Iowa 50310			
		Cash Match:	\$12,400
		In-Kind Match:	<u>\$15,600</u>
		Local Match:	<u>\$28,000</u>
		Total Project Cost:	\$48,000
Project Title:			
Computers to Africa			
Contact:	Kunle Oguneye	Phone:	515-771-6775
Project Type:	Best Practices		
Applicant:	Private Not For Profit		
Description:	The applicant is proposing to continue and expand current collection of used computers and monitors that are in working condition and ship them to schools in Africa. Goal is to donate 2,000 working computers over the next three years.		
Target Area:	State of Iowa		

City of Chariton		Forgivable Loan:	\$5,272
City Hall		Zero Interest Loan:	\$0
115 South Main Street		3% Interest Loan	\$0
		Total Award Amount:	\$5,272
Chariton, Iowa 50049			
		Cash Match:	\$5,273
		In-Kind Match:	\$0
		Local Match:	\$5,273
		Total Project Cost:	\$10,545
Project Title:			
Recycling Program Continuation			
Contact:	Tim Vick	Phone:	515-774-5991
Project Type:	Best Practices		
Applicant:	Local Government		
Description:	City is proposing to replace one of the four recycling drop-off trailers used to collect recyclables within Lucas County.		
Target Area:	Lucas County		

EDUCATION PROJECTS

Story	County	Agricultural	Forgivable Loan:	\$23,602
Extension District			Zero Interest Loan:	\$0
220 H Avenue			3% Interest Loan	<u>\$0</u>
			Total Award Amount:	\$23,602
Nevada, Iowa	50201			
			Cash Match:	\$16,082
			In-Kind Match:	<u>\$8,181</u>
			Local Match:	\$24,263
			Total Project Cost:	\$47,865
Project Title:				
	Development & Delivery of Midwest Composting School in Iowa			
Contact:	Kapil Arora	Phone:	515-382-6551	
Project Type:	Education			
Applicant:	Local Government			
Description:	The applicant is proposing to develop and deliver a specialized four-day school for professionals involved in composting. School will educate on feedstock selection, recipe development, operations, monitoring, analysis, odor and runoff management, marketing			

	strategies, etc.	
Target Area:	State of Iowa	
<hr/>		
Kirkwood Community College	Forgivable Loan:	\$22,326
6301 Kirkwood Blvd SW	Zero Interest Loan:	\$0
PO Box 2068	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$22,326
Cedar Rapids, Iowa 52406		
	Cash Match:	\$8,000
	In-Kind Match:	<u>\$16,200</u>
	Local Match:	\$24,200
	Total Project Cost:	\$46,526
Project Title:	Agricultural Composting (AC) Project	
Contact:	Jerry Bolton	Phone: 319-398-5131
Project Type:	Education	
Applicant:	Local Government	
Description:	The applicant is proposing to implement an agriculture composting project by expanding of the on-site composting facility to accommodate composting of large volumes of liquid, highly nitrogen based swine waste. Pine shavings from equine bedding will be the carbon source.	
Target Area:	Linn, Benton, Cedar, Iowa, Jones, Johnson, and Washington Counties	

PROPOSALS RECEIVED, NOT RECOMMENDED

Welch Products	Total Amount Requested:	\$300,000
205 South Garfield		
PO Box Z		
Carlisle, Iowa 50047		
Project Title:	Overall Solutions Plan	
Contact:	Tim Mahoney	Phone: 515-989-0829
Project Type:	Market Development	
Applicant:	Private For Profit	
Description:	The applicant is proposing to upgrade their equipment. The company manufactures a variety of value-added products from	

shredded tires including a rubber safety mat for use on playgrounds and a rubber mat for use under and around poles, signs, trees, fences, etc. to eliminate weed growth and maintenance cost of keeping the weeds trimmed.

New Haven Recycling
2969 360th Street
Osage, Iowa 50461

Total Amount Requested: \$55,500

Project Title:

Contact: **New Haven Recycling**
Russell Kephart **Phone:** 641-982-4243
Project Type: Best Practices
Applicant: Private For Profit
Description: The applicant is proposing to collect discarded white goods for removal or recovery of PBCs, refrigerants, or mercury.

Lear Corporation
2500 Hwy 6 East
Iowa City, Iowa 52240

Total Amount Requested: \$147,000

Project Title:

Contact: **Electrostatic Paint Process**
Dave Neipp **Phone:** 319-688-6437
Project Type: Best Practices
Applicant: Private For Profit
Description: The applicant is proposing to modify the production line for painting automotive armrests by switching to an electrostatic paint process. Process change will improve paint transfer efficiency and reduce paint-related waste.

Motion was made by Jerry Peckumn to approve the recommendations as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMEND IAC CHAPTER 567-137 “IOWA LAND RECYCLING PROGRAM AND RESPONSE ACTION STANDARDS”

Bob Drustrup, Environmental Engineer Senior presented the following item.

Attached for the Commission's approval is a Notice of Intended Action to amend administrative rule 567 – Chapter 137 “Iowa Land Recycling Program and Response Action Standards.”

The department has been negotiating a memorandum of agreement (MOA) with the U.S. Environmental Protection Agency (EPA) regarding the Iowa Land Recycling Program (LRP). With the MOA the EPA will agree not to take action at site enrolled in the Iowa Land Recycling Program – a very attractive incentive for potential enrollees. Statutory changes were made in 2002 (HF 2417) to Iowa Code Chapter 455H “Iowa Land Recycling and Environmental Remediation Standards Act” to address some of EPA's concerns about the LRP. The proposed amendments to IAC Chapter 137 incorporate these statutory changes and address several other concerns of EPA regarding the LRP that must be resolved prior completing the MOA. The proposed amendments include the major items listed below in addition to various minor corrections and clarifications.

- Including protection from dermal contact to contaminants in soil in the determination of soil standards.
- Specifying a minimal level of protection for situations where exposure may occur to multiple contaminants and/or multiple routes of exposure (e.g., drinking water and contact with soil).
- Changing how standards are determined for chemicals that are classified as possible carcinogens to be consistent with the methods used to establish drinking-water standards for such chemicals.
- Specifying minimum requirements for notifying the public and soliciting public input.
- Specifying requirements for evaluating possible migration of contaminants from one medium to another (e.g. contaminants with site-specific migrating to groundwater).
- Simplifying site-specific standards for soil.

The first 3 bullets will result in slightly more stringent requirements. The last bullet should make it easier to comply with site-specific soil standards.

Bob Drustrup said that the public hearing will be held on May 5th in Des Moines.

Motion was made by Terry Townsend to approve the NOIA – Chapter 137 for public comment. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

Wayne Gieselman mentioned that there is a change in the scheduling of the hearing date in Item 10 – Notice of Intended Action, Amend Iowa Administrative Code 567-Chapter 118, “Discarded Appliance Demanufacturing”.

FINAL RULE: CHAPTER 61, WATER QUALITY STANDARDS, CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

Mike Murphy said that perennial streams under the definition are designated use streams as opposed to general. As I read the rules, they go on to say that general water quality criteria apply to all surface water including general use and designated use streams. They apply to all waters. Designated use waters are to be protected for all uses for general use segments in addition to the specific uses **assigned** (emphasis added). I do not view there being a conflict. Under the rules, they (designated use streams) are still covered by the general use water quality criteria. They're just not covered by these specific water quality criteria that are assigned to streams that have been named in our rules as having those classifications. You are correct that in effect there is a category of "unassigned" designated use waters, and in due course we should work to evaluate these streams and if appropriate, assign them a specific classification. However, it is not correct to say that perennial streams that have not received a specific classification are not protected by our water quality standards. The general criteria apply to them.

Donna Buell said that in the rule you are asking us to set today state that acute standards apply only to designated segments not general use segments. 1500 applies to general use segments. So we are creating distinctions.

Chuck Corell said if you look at the summary on the agenda item it is probably written incorrectly, but it says it applies to general use segments. That would be the only chloride criteria that would apply.

Donna Buell said correct. Go to acute chloride, applies to designated stream segments, not general use segments. If we are designated use but not further classified, that tells me that this 860 would apply to all perennial streams if they were classified correctly without having additional classification. Why don't we classify them according to the regulations?

Mike Murphy said that a stream segment only receives one of the class A, B or C designation after its been reviewed by staff and goes through the rules process.

Discussion continued between Donna Buell and Ralph Turkle about limited resources and regulations.

Chuck Corell said that the proposed changes that people have mentioned throughout the day are referring to Greg Sindts proposed comments. The Department is not proposing those language changes. We see no reason to object to those language changes but technically we are not proposing the changes.

Jerry Peckumn stated that his concern is that there is not effluent limit on chloride. It seems to me that could be an enforcement issue or public perception issue on whether or not we are protecting the water or not. It also seems that it would be easier for us to raise a standard than to lower it. I'm uncomfortable with option B. More and more information keeps coming in. It's hard to determine how many are going to be impacted.

Robert Baumann said the problem with the list is that you're making a test in the laboratory without any other toxicant. When you have TDS you may have 2 or 3 potentially toxic materials. That may lower the level at which you should take action, until we have more information on the effects. You can't really establish a hard, fast chloride rule until you know what's there in addition to the chloride.

Terry Townsend said that he supports Option B. I feel we will be protecting the quality of the streams based on that standard. If someone has a level higher than 1,000 mg/l than they will have to do a test to determine if they are harming the wildlife area in the place of discharge. I don't think we should fall back on 750 mg/l.

Motion was made by Terry Townsend to adopt Option B, Adopt only the site-specific TDS evaluation procedure. Seconded by Lori Glanzman. Roll call vote went as follows: Donna Buell – nay; Darrell Hanson – nay; Kathryn Murphy – aye; Francis Thicke – nay; Terry Townsend – aye; Lisa Davis Cook – nay; Lori Glanzman – aye; Jerry Peckumn – nay; Heidi Vittetoe – aye. Motion failed.

Francis Thicke said that he cannot support Option B because the wet test document is sufficiently strong. I think it allows flexibility and potential pressure on the DNR to approve certain permits.

Jerry Peckumn said that we have continued to receive new information on water quality problems. I have received many requests not do adopt proposed standards, at least without significant changes. I do not feel comfortable approving standards for general use streams as some general use streams may really have some designated uses. Because of the large amount of opposition I feel we need to collect more data to better predict the impact on Iowa citizens.

1. Sample and monitor chlorides and TDS for adequate data to make an informed decision including the possible costs and returns associated with clean and healthy water.
2. Monitor aquatic ecosystem impacts through biological surveys. Particularly where aquatic life may be impacted as a result of current effluent levels of cations and anions. Coordinate with and utilize fisheries personnel where possible.
3. Utilize the EPA to make sure options being considered are consistent with the Federal Clean Water Act including court directives.
4. Review stream classification to be sure that the uses of streams are properly classified. List perennial streams classified as general use.
5. Sponsor a workshop with help from EPA and Iowa scientists on alternative solutions to hard water, solutions for managing effluent during low flow conditions, new technology in waste treatment, and health considerations of effluent when reentering the drinking water supply.
6. Continue consideration of site specific WET tests but with maximum standards to protect aquatic ecosystems, livestock and wildlife watering and other uses in current rules.

Motion was made by Jerry Peckum to adopt Option C, Do not adopt any of the proposed changes, allow the department more time and to follow the list of 6 recommendations as stated above. Seconded by Francis Thicke.

Darrell Hanson asked what would be the expected time of arrival for a new set of rules.

Wayne Gieselman said that we could probably get some data fairly quickly, the soonest we could come back with new rules would be about a year.

Heidi Vittetoe said that she opposes Option C because we are then taking an active stand in saying that we think 750 mg/l is the right standard to continue to prevail.

Roll call vote went as follows: Kathryn Murphy – nay; Lisa Davis Cook – aye; Lori Glanzman – nay; Jerry Peckum – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Francis Thicke – aye; Donna Buell – aye; Terry Townsend – nay. Motion carried.

REFERRALS TO THE ATTORNEY GENERAL

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

ROQUETTE AMERICA, INC. (KEOKUK) – WASTEWATER.

Mike Murphy presented the following information regarding this referral:

The department seeks referral of Roquette America, Inc. (Roquette) to the Attorney General for appropriate enforcement action, due to violations at its Keokuk, Iowa, plant. This referral includes the violations of 1) failure to comply with NPDES permit wastewater discharge temperature limits, and 2) allowing a rust-colored discharge into the Mississippi River.

Roquette America, Inc. (Roquette) is a corn wet milling facility located on the bank of the Mississippi River in southeast Keokuk, Iowa. Production consists primarily of cornstarch and sweeteners with minimal production of other related products.

Complaints were made last August of a red discharge into the Mississippi River. Investigation including review of record of operations were showing exceedences of temperature limits during the summer months for the past three years. The company was asked to address the problems. Their report indicated to us that the high temperatures in the treatment system were conducive to

a type of bacteria, which resulted in the red/rust color. They made proposals at that time to utilize a S&E tank with additional surface aerators. While the temperature problems have currently subsided, it is difficult to tell whether that is due to the time of year and whether the problems will recur during the warmer months of 2004.

There was a prior AG referral of air quality issues last year, and there have been waste water violations that we are proposing to add to the referral.

John Fratus, Senior Director of Regulatory Affairs for Roquette America, Inc. With me is Eugene Taylor, Roquette America's Environmental manager. We very much appreciate the opportunity to provide comments this afternoon to the Environmental Protection Commission on this matter that the Iowa Department of Natural Resources (IDNR) seeks to refer to the Office of the Attorney General.

For background, Roquette is a family owned company that produces corn starches, syrups, polyols and corn by-products at its facility in Keokuk. Roquette has owned this facility since 1991 when it purchased the operation from the H.J. Heinz Company. Roquette is one of the largest single employers in Keokuk, directly employing about 350 people and generating business for many other employers throughout the region. Roquette's commitment to economic stability and growth in Iowa is reflected in part by many hundreds of millions of dollars we have invested here.

There are a few points we would like to make right at the outset. First, please note that this litigation referral request does not accuse Roquette's temperature exceedences of causing any harm to the environment. In fact IDNR recently acknowledged after reviewing temperature data for 2000 through 2003, that there is (and I quote) "no reasonable potential for these discharges to cause or contribute to a violation of the temperature water quality standards."

In other words, IDNR is asking your permission to sue Roquette for violating restrictions that IDNR admits are not necessary to protect the environment.

The second issue in IDNR's litigation report concerns the occurrence of a rusty colored discharge originating from Roquette's wastewater treatment plant in August 2003. IDNR is properly concerned to make sure the Roquette's discharge into the Mississippi River does not raise any serious aesthetic problems. Roquette too wants to avoid water discoloration, which can happen if water in Roquette's aeration basins reaches a temperature high enough for certain bacteria to thrive.

This is why on August 15, 2003 – five days before IDNR issued its Notice of Violation – we implemented a project that had been in active development over the prior month and began running wastewater through a surge and equalization tank to cool it before sending it to the aeration system. Since we implemented this process, which substantially reduces the temperature of the water in the aeration basins, we have not had any temperature permit exceedence on the wastewater treatment plant discharge, nor has there been a recurrence of the rusty coloration... That these measures were effective is not in dispute.

In short, Roquette has been proactive in dealing with the temperature issues that are the subject of this litigation referral request, implementing effective measures even before we received IDNR's Notice of Violation. IDNR does not assert that exceedances of Roquette's temperature permit limitations have caused any environmental harm, or that we failed to deal with them. These exceedances have not conferred any improper benefit on Roquette, and litigating the issue and imposing penalties at this point simply will not serve any deterrent or compensatory purpose.

The IDNR's litigation report states that effluent discoloration was caused by sulfur bacteria. However, contrary to IDNR's litigation report, the mere presence of sulfur bacteria does not imply that hydrogen sulfide was being produced. Hydrogen sulfide can only be produced under anaerobic conditions, which records show did not exist. Further, because of its very low odor threshold (less than half a part per billion), if hydrogen sulfide had been present IDNR staff would have easily detected its characteristic "rotten egg" smell during their site inspection. Such odor was not detected by IDNR staff or Roquette employees.

In development of the temperature solution, in July 2003, Roquette sought the advice of Waggoner Solutions, which specializes in solving wastewater treatment operational issues for corn wet milling facilities, regarding ways to reduce the temperature of the discharges. Follow up discussions were held with HR Green, another Iowa consulting firm. The final recommendation from Waggoner Solutions and HR Green was to utilize Roquette's existing third surge and equalization tank with surface aerators to cool the wastewater because that solution could be employed the most expeditiously. On August 15, 2003 after spending over \$22,000 on labor and equipment, the surge tank and cooling aerators became operational. I want to stress that Roquette could not simply throw a switch to get this surge tank on-line, it required considerable effort on the part of Roquette and its contractors to make this happen.

It has been suggested by the IDNR that Roquette limited the use of the third surge and equalization tank during the summer of 2003 in order to reduce electrical power costs. That is simply not correct. In fact, Roquette had to first confirm that sufficient electricity was even available at the site. In fact, Roquette continued to operate the third surge and equalization tank and cooling aerators until November 3, 2003, well beyond the period necessary to achieve temperature permit limitations. A review of the wastewater treatment plant operating temperature reveals that Roquette could have ceased using the third surge and equalization tank at the end of September of 2003 when ambient temperatures were low enough that the wastewater treatment plant could comply with its temperature limits, and would have remained in compliance with the permit limit throughout the winter months. If Roquette had been interested in saving on electricity, we would have shut down the power to the six cooling aerators in the third tank in late September as opposed to running them through the entire month of October and into November.

On August 18, 2003, Mr. Taylor told Mr. Terry Jones of the IDNR that the third surge tank had already been placed into service and that temperatures were falling. On August 20, 2003, five days after Roquette had commenced operation of the recently upgraded surge and equalization tank with cooling aerators, and after the wastewater treatment plant discharge was in compliance, the IDNR issued a notice of violation arising from discoloration and elevated temperatures. From August 15 when the aerators became operational to August 18 when the facility was

inspected by the IDNR, the six aerators had not run long enough to cool the enormous volume of wastewater. After August 18, 2003 Roquette had no more temperature violations from the wastewater treatment plant discharge.

On September 18, 2003, Roquette responded to the August 20 notice of violation issued by the IDNR. Roquette's comprehensive response to the IDNR addressed the suspected cause of the objectionable color, immediate actions taken by Roquette to mitigate the color and temperature problems and preventive actions already implemented to prevent recurrence of the color problems. In our September 18, 2003, response, Roquette reiterated that the surge and equalization tank had been put into cooling service on August 15 and noted that this action had reduced the aeration tank temperatures from 118 to 103 F with a simultaneous elimination of color in the effluent. This clearly showed that the procedure for using the third surge and equalization tank to control temperature would keep the effluent temperature well below the permit limit. In the September 18, 2003 response to the IDNR Roquette also requested that the IDNR provide any further recommendations they may have to control the temperature and color of the effluent. On December 24, 2003 IDNR's response was to issue another notice of violation reiterating many of the previous violations. The response did not provide constructive recommendations as to what, if any, further actions by Roquette they considered appropriate.

In November 2003, Eugene Taylor contacted Mr. Steven N. Williams, an Environmental Specialist with the IDNR wastewater permitting section about increasing Roquette's discharge temperature limits. Subsequently, in a letter dated, February 27, 2004, Mr. Williams declared that in his "best professional judgment there is no reasonable potential for these dischargers to cause or contribute to a violation of the temperature water quality standards." Furthermore, Mr. Williams suggested in his letter that it might even be possible for Roquette to modify their discharge permit to eliminate the temperature limits. The data accompanying Mr. Williams letter further provides that for purposes of the temperature parameter, Roquette discharged water that, depending upon the date in question, was anywhere from 36 to 63 degrees below the temperature that would have caused a wastewater violation. The very day that Mr. Williams authored his letter declaring that there is no reasonable potential for the Roquette discharges to cause or contribute to a violation of the temperature water quality standards, the IDNR issued the letter to Roquette indicating that they would be seeking authorization from the Environmental Protection Commission to refer the matter to the Office of the Iowa Attorney General.

Although implementing use of the surge and equalization cooling aerators has solved the wastewater treatment plant temperature issue, throughout the fall and winter Roquette and its consultants have continued to work on ways to improve the wastewater treatment plant operations. In fact, on February 17 and 18, 2004, Eugene spoke with Mr. Paul Brandt of the IDNR regarding construction permits for certain additional potential improvements being investigated by Roquette.

Roquette has actively sought to communicate with the IDNR and to find practical ways to improve operations, even when they incur considerable expense to the company. Roquette does not believe that it makes sense to seek financial penalties against a company that was actively and effectively correcting an issue before IDNR informed them of a violation; especially when that problem caused no environmental damage as documented by IDNR observers, and

confirmed by permit staff who showed that all temperature limits could be removed without jeopardizing water quality standards.

Simply, it does not make sense to use the resources of the IDNR and the Office of the Attorney General to impose a financial penalty upon this company.

In closing, I want to reiterate that Roquette America appreciates the opportunity to address this Commission. Be assured that Roquette intends to continue to be environmentally conscious and to continue to work cooperatively with the IDNR to rectify past compliance concerns.

Motion was made by Lisa Davis Cook to refer Roquette America to the Attorney General. Seconded by Donna Buell. Roll call vote went as follows: Lori Glanzman – nay; Lisa Davis Cook – aye; Kathryn Murphy – aye; Jerry Peckumn – nay; Darrell Hanson – nay; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – nay; Francis Thicke – nay. Motion fails.

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 2004

Proposal	Notice to Comm.	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 11 – Tax Certification of Pollution Control or Recycling Property	2/16/04	*3/17/04		*4/06/04	*4/08/04	*4/08/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04
2. Ch. 20,	11/17/03	2/04/04	3155B	3/08/04	*4/01,02/04	*4/09/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04

22 - PSD - Definitions							4					
3. Ch. 20, 32 - Health Effects Value (HEV)	12/15/03	1/07/04	3092B	*2/09/04	2/17, 23, 25; 3/04, 11/04	*4/08/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/17/04
4. Ch. 23 -Emission Standards for Contamina nts - Waste Incineratio n	11/17/03	12/10/03	3005B	1/06/04	1/16/04	1/16/04	2/16/04	2/16/04	*3/17/04		*4/06/04	*4/21/04
5. Ch. 49, 82 - Certificatio n of Pump Installers	2/16/04	*3/17/04		*4/06/04	4/6,7,8,13, 14,15,16/04	*3/26/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/14/04
6. Ch. 61 - Water Quality Standards	8/18/03	9/17/03	2776B	10/13/03	10/7,9,10, 13,15,17/03	10/31/03	3/15/04	*3/15/04	*4/14/04		*5/04/04	*5/19/04
7. Ch. 61 - Water Quality Standards - Coldwater Streams	3/15/04	*4/14/04		*5/04/04			*6/21/04	*6/21/04	*7/21/04		*8/08/04	*8/25/04
8. Ch. 65 - Animal Feeding Operations - Constructio n Standards	7/21/03	8/20/03	2716B	9/10/03	9/11/03	9/11/03	1/20/04	1/20/04	2/18/04	3169 B	3/08/04	*3/24/04
9. Ch. 65 - Animal Feeding Operations - Manure Applicators	10/20/03	11/12/03	2924B	12/09/03	12/03/03	12/03/03	3/15/04	*3/15/04	*4/14/04		*5/04/04	*5/19/04
10. Ch. 65 - MMP Content Requireme nts; Phosphoro us Index	1/20/04	2/18/04	3167B	3/08/04	3/23/04	3/23/04	*4/19/04	*4/19/04	*5/12/04		*6/08/04	*6/16/04
11. Ch. 105 - Organic Materials Compositin g Facilities	3/15/04	*4/14/04		*5/04/04			*6/21/04	*6/21/04	*7/21/04		*8/08/04	*8/25/04
12. Ch. 111 - Financial Assurance Requireme nts for SWLFs	9/15/03	10/15/03	2863B	11/10/03	11/05/03	11/05/03	1/20/04	1/20/04	2/18/04	3168 B	3/08/04	*3/24/04
13. Ch. 137 - Land Recycling Program	3/15/04	*4/14/04		*5/04/04			*6/21/04	*6/21/04	*7/21/04		*8/08/04	*8/25/04

Variance Report
March 2004

Facility	Program	Engineer	Subject	Decision	Date
Spring Lake Park-Cherokee	Wastewater Construction	Kuehl & Payer, Ltd.	Sewer Grade	Approved	02/10/04
Electrolux Home Products-Webster City	Wastewater Operation		Monitoring Frequency	Approved	02/20/04
Wapello Rural Water Association	Watersupply Construction	Garden & Associates	Installation Procedures	Approved	02/13/04

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period February 1, 2004, through February 29, 2004, 32 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately

Substance	Mode										
	Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
	October	73 (55)	11 (4)	45 (40)	17 (11)	21 (18)	41 (32)	2 (1)	1 (2)	3 (0)	5 (2)
	November	69 (58)	9 (13)	41 (30)	19 (15)	20 (19)	38 (36)	1 (0)	1 (0)	1 (1)	8 (2)
	December	51 (41)	10 (2)	29 (28)	12 (11)	21 (12)	27 (25)	0 (1)	0 (2)	1 (0)	2 (1)
	January	44 (40)	7 (6)	25 (17)	12 (17)	9 (12)	32 (24)	2 (1)	0 (2)	1 (0)	0 (1)
	February	32 (39)	4 (1)	12 (29)	16 (9)	10 (11)	20 (18)	1 (1)	1 (6)	0 (0)	0 (3)
	March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	Total	269 (233)	41 (26)	152 (144)	76 (63)	81 (72)	158 (135)	6 (4)	3 (12)	6 (1)	15 (9)

(numbers in parentheses for same period last year)

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Total Number of Incidents Per Field Office This Month
unknown

*Other includes dumping, theft, vandalism and

1	2	3	4	5	6
7	9	2	1	7	6

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period February 1, 2004, through February 29, 2004, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	8 (10)	0 (0)	2 (5)	2 (1)	2 (4)	6 (9)	0 (1)	0 (0)	0 (0)	0 (1)
November	5 (12)	0 (0)	2 (4)	2 (3)	1 (5)	5 (12)	0 (0)	0 (0)	0 (0)	0 (0)
December	4 (5)	0 (0)	2 (1)	0 (0)	2 (3)	3 (3)	0 (0)	1 (1)	0 (0)	1 (0)
January	1 (3)	0 (0)	1 (2)	0 (0)	0 (0)	1 (2)	0 (0)	0 (0)	0 (0)	0 (1)
February	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (1)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	18 (31)	0 (0)	7 (13)	4 (4)	0 (0)	15 (27)	0 (1)	1 (1)	0 (0)	1 (3)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	0	0	0	0	0

DATE: March 1, 2004

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
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Greenman Technologies of Iowa, Inc., Des Moines (5)	Solid Waste	Compliance Schedule	Consent Amendment	1/29/04
James Hoogland, Sioux Co. (3)	Animal Feeding Operation	Record Keeping; Freeboard; Uncertified Applicator	Order/Penalty \$2000	2/05/04
Wapsipinicon Country Club, Anamosa (1)	Drinking Water	Operation Without Monitoring/Reporting Bacteria, Nitrate; Permit Renewal Fees	Order/Penalty \$750	2/05/04
Edwin Pagliai, et.al., Pella, Maquoketa, Keokuk (1, 5, 6)	Underground Tank	Registration	Order	2/12/04
Mike Pagliai, et.al., Newton, Webster City, Mt. Pleasant, Clive, Mason City, Clear Lake, Eagle Grove, Fairfield, Des Moines, Corydon, Nevada, Ft. Dodge (2, 5, 6)	Underground Tank	Registration	Order	2/12/04
Jerry Lunn, Clear Lake (2)	Air Quality	Open Burning	Order/Penalty \$3,000	2/12/04
Edwin Pagliai, et.al., Pella, Maquoketa, Keokuk (5, 6)	Underground Tank	UST Closure	Order/Penalty \$13,500	2/17/04
Tim Trostel, Butler Co. (2)	Animal Feeding Operation	Failure to Empty Discontinued Facilities	Order/Penalty \$2,000	2/17/04
Kollasch Land & Livestock; Hawkeye Woods, Palo Alto Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	2/17/04
James Axtell, Iowa Falls (2)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$500	2/17/04
Long Branch Maintenance Corp., Dexter (4)	Wastewater	Compliance Schedule	Consent Amendment	2/17/04
Gary Lund; Lund Construction, Eagle Grove (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$8,000	2/17/04
Matt Hoffman, Plymouth Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	2/20/04
Steve Grettenberg; Grettenberg Finisher, Webster Co. (2)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$500	2/20/04
R. Victor Hanks; Mobile World, LC; Buffalo Bill Mfg. Homes, Camanche (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$10,000	2/20/04
Bill Grieder d/b/a Grieder Oil, Belle Plaine (1)	Underground Tank	Remedial Action	Consent Order	2/20/04

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Moreland Co.; Frank Moreland, Iowa City (6)	Development	Underground Tank	Remedial Action	Consent Order	2/20/04
Tom Sexton; Delcar, Inc., Mapleton (4)		Underground Tank	Remedial Action	Consent Order	2/20/04
Iowa Cooperative, Tama (5)	Quality Beef	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty \$5000	2/20/04
Clay Regional Water, Spencer (3)		Drinking Water	Construction Contrary to Permit	Consent Order \$2,000 SEP	2/20/04
Julie Oden; Centerville Cleaners, Centerville (5)		Air Quality	Other Violations	Order/Penalty \$1,000	2/20/04
Chief Alpha, Inc.; Grinnell (5)		Air Quality	Operational Violations	Order	2/20/04
Regional Environmental Improvement Commission Of Iowa County, Marengo (6)		Solid Waste	Cover Violations; Violations	Order/Penalty \$10,000	2/24/04
William Hennessey, Linn Co. (1)		Solid Waste	Other Violations	Order/Penalty \$2,000	2/24/04
Michael and Keri Sickles, Adair Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty \$3,000	2/24/04
Crest Country Inn, Iowa Co. (6)		Wastewater	Monitoring/Reporting	Order/Penalty \$1,000	2/27/04

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: March 1, 2004
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01

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Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/S	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	W		
	UT	3,960	5-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Lidderdale, City of	WW	10,000	4-08-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	9-27-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
# Holstein Dairy, LLP (Ida Co.)	AFO	750	11-07-03
# James Boller (Kalona)	AFO	5,000	11-30-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)SEP	SW	1,000	12-23-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
William Day (Iowa Co.)	SW/WW	2,000	1-02-04
#*James Masching (Carroll Co.)	AFO/WW	3,000	1-25-04
# Brian Stortz; S & P Enterprises (Waukon)	AFO	1,000	2-17-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	4,750	3-01-04
#*Van Middendorp Dairy (Sioux Co.)	AFO	1,500	3-15-03
* John and Bernice Danner (Lucas Co.)	WW	700	3-15-04
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,000	3-15-04
#*Kevin Hohbach (Taylor Co.)	AFO	250	3-15-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AF	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	O		
	AQ	5,000	3-27-04
Shenandoah, City of	AQ/SW	10,000	3-30-04
# Mid-Iowa Farm Services, Inc. (Stanhope)	AFO	1,000	4-10-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
Independence Mobile Home Park (Independence)	WS	800	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	-----

Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	-----
James L. Heal d/b/a A-1 Domestics (Homestead)	SW/WW	1,800	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
Jerry Lunn (Clear Lake)	AQ	3,000	-----
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	13,500	-----
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	750	-----
# Tim Trostel (Butler Co.)	AFO	2,000	-----
# James Axtell (Hardin Co.)	AFO	500	-----
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	-----
# Steve Grettenberg; Grettenberg Finisher (Webster Co.)	AFO	500	-----
# Matt Hoffman (Plymouth Co.)	AFO	750	-----
Gary Lund; Lund Construction (Wright Co.)	AQ/SW	8,000	-----
Iowa Quality Beef Cooperative (Tama)	WW	5,000	-----
Clay Regional Water (Spencer) SEP	WS	2,000	-----
Julie Oden; Centerville Cleaners (Centerville)	AQ	1,000	-----
William Hennessey (Linn Co.)	SW	2,000	-----
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000	-----
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000	-----
Crest Country Inn (Iowa Co.)	WW	1,000	-----
TOTAL		376,320	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02

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Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
TOTAL		233,089	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Keith Stoterau; Hopp Construction Co. (Shelby Co.)	WW	2,500
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300

Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	1,000
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000
# River Valley Farms (Mahaska Co.)	AFO	750
Central Counties Cooperative (Kellogg)	AQ	5,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Tom Wageman Farm (Shelby Co.)	AFO	750
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Siouxland Energy & Livestock Cooperative (Sioux Center)	AQ/HC/WW	10,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
Russell and Kay Barkema; K.R. Construction (Wright Co.)	AQ/SW	7,000
# Jeff Holland (Winnebago Co.)	AFO	5,500

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# Rick Van Roekel (Sioux Co.)	AFO	1,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Richard and Jerald Reiter (Jackson Co.)	AFO	6,000
# Richard and Jerald Reiter (Dubuque Co.)	AFO	4,000
# Bob Kerrigan (Union Co.)	AFO	750
# Van Veldhuizen Dairy (Sioux Co.)	AFO	2,000
# Loru Farm Partnership (Osceola Co.)	AFO	3,000
# McCarty Farms; Ron and Pat McCarty (O'Brien Co.)	AFO	4,000
Carpenter Bar & Grill (Carpenter)	WS	10,000
Runnells, City of	WS	5,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
Larry Johnson (Cass Co.)	AQ/SW/HC	6,000
Denzel Edwards (Cass Co.)	AQ/SW/HC	6,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Wapsipinicon Country Club (Anamosa)	WS	750
TOTAL		472,029

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600
Iowa Skate U (Iowa Falls)	WS	500
* John and Bernice Danner (Lucas Co.)	WW	75
Ron Ely (Humboldt Co.)	HC	250
Mitchell Town Pump; Jeremy Mostek (Mitchell)	WS	100
ITWC, Inc. (Brooklyn)	AQ	5,000
Johnny B Good's (Dyersville)	WS	537
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	250
# Denny Holtrip (Cherokee Co.)	AFO	500
# Bryan Swenson (Hamilton Co.)	AFO	1,500
#*Van Middendorp Dairy (Sioux Co.)	AFO	250
Custom Feeds, Inc. (Muscatine) (\$7,000/SEP)	AQ	3,000
Louisa County Regional Solid Waste Agency	SW	750
Lidderdale, City of	WS	500
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	415
# Frank Siemans (Wright Co.)	AFO	1,000
# Kevin Hohbach (Taylor Co.)	AFO	750
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	250
TOTAL		16,127

The following penalties were rescinded:

Long Branch Maintenance Corp. (Earlham)	WW	5,000
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The following SEPs were received:

Sutherland, City of paid to O'Brien CCB	WW	2,500
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ATTORNEY GENERAL REFERRALS

Name, Region Number and Location	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel State Motion for Sanctions Order Granting Sanctions (\$500) State Motion for Additional Sanctions Default Judgment Contempt Hearing	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03 9/10/03 9/29/03 10/16/03 11/19/03 4/12/04
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred Petition Filed	5/20/02 1/26/04
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporti ng-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Buringrud, Mark fdbba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporti ng-Bacteria, Nitrate	Order/Penalty	Referred	9/15/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02

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Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 4/07/04
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer Oral Argument	4/16/02 5/09/02 6/08/04
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03
Hohbach, Kevin Red Oak UPDATED	(4) Animal Feeding Operation	Application in Excess of Crop Usage Rate	Order/Penalty	Referred Admin. Penalty Received (\$750 – \$250 Due)	9/15/03 2/27/04
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed	3/17/03 12/29/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Kramer, John and Laura Johnny B Good's Dyersville UPDATED	(1) Drinking Water	Monitoring/Reporti ng, Bacteria, Nitrate; Public Notice	Order/Penalty	Referred Admin. Penalty Received (\$537.50)	10/20/03 2/13/04
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporti ng; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03

Miller, Albert Kalona (6)		Air Quality	Open Asbestos	Burning;	Order/Penalty	Referred			12/15/03
Mobile World L.C. Clinton UPDATED	(6)	Wastewater	Monitoring/Reporting; Operational Violations		Order/Penalty	Referred Motion for Judgment Order (\$2,000/Admin.)			11/18/02 1/21/04 2.18/04
Moore, C. D. d/b/a Iowa Skate U Iowa Falls UPDATED	(2)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate		Order/Penalty	Referred Admin. Penalty (\$500)		Received	5/19/03 2/05/04
Mostek, Jeremy Osage UPDATED	(2)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice		Order/Penalty	Referred Admin. Penalty (\$100)		Received	9/15/03 2/12/04
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)		Wastewater	Discharge Limits		Order/Penalty	Referred Petition Filed Default Entered Order Granting Judgment (\$5,000/Civil)		Default	2/19/01 3/20/02 11/12/02 1/05/04
Oberly, Marvin Burlington (6)		Wastewater	Operation Permit	Without	Order/Penalty	Referred			7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)		Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date			12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 2/13/04

Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	3/17/03 12/08/03
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge Confinement; Freeboard	Order/Penalty	Referred	7/21/03
Snoody, Pat Honey Creek Campground Crescent (4)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4) UPDATED	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date	2/17/03 1/02/04 2/05/04 3/01/04
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil)	3/17/03 11/07/03 1/20/04 1/22/04
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action- CDR	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment	10/21/02 11/07/03 1/20/04

CONTESTED CASES

5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	12/18/03 – Initial site assessment completed by responsible parties. Follow-up investigation is underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement documents forwarded on 1/27/04.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/02/03 – Vens rejects Dept. settlement offer.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order. 10/13/03 – Dept. construction permit for WWTF improvements with final schedule issued. 10/31/03 – Consent order drafted for staff review. 11/7/03 – Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	10/03/03 – Settlement offer to Kronlage's attorney. 1/16/04 – Status request to Kronlage's attorney.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; it is being challenged by third parties in district court.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	2/04/04 – Tentative settlement agreement.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 – District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF

						sent by facility engineer. 4/03 – Revised consent order drafted. 12/03 – Dept. letter and consent order to corporation's attorney. 1/27/04 – Facility attorney sent suggested changes to order. 1/29/04 – Dept. sent revised consent order. 2/04 – Consent order signed and issued. Letter sent closing appeal.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved. 10/03 – Letter to City attorney regarding appeal resolution. 11/21/03 – Dept. received response from City attorney regarding City's compliance status with order. 1/04- Letter to City attorney regarding compliance status.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	10/30/03 – Erosion controls installed. DNR settlement demand. 12/24/03 – Response. 1/21/04 – \$2,500 of \$5,000 penalty received. 2/26/04 – New demand sent.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/01/04 – FO to meet on-site with party.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 –

						Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section. 10/03 – Dept. letter to Jones CCB regarding appeal. 11/17/03 – Response received from Jones CCB regarding compliance with order requirements. 12/26/03 – Dept. letter with settlement offer. 1/28/04 – Dept. letter sent regarding settlement. 2/04 – Response received from CCB director. Dept. letter sent 2/20/04.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance initiated.
5/09/02	Arthur, City of	3	Order/Penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO. 9/03 – Discussion with City regarding possible SEP project. 10/28/03 – SEP proposal received from City for resolving appeal. 11/10/03 – City informed of conditions for SEP. 2/23/04 – Dept. letter sent regarding SEP.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Hearing rescheduled for 3/3/04.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 – Richard Caves' bankruptcy pending. Negotiating resolution.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Settled. 2/13/04 – Penalty payment received. Case closed.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 8/03 – Letter to City attorney regarding resolving appeal. 10/30/03 – Letter to City attorney regarding revised report. 11/03 – Response from City attorney regarding revised report. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	9/23/03 – DNR letter requesting update; facility improvements to be made through DALs.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	2/19/04 – Penalty settlement received. Case closed.

7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	Hearing set for 4/2/04.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	Hearing set for 4/2/04.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	Hearing set for 4/2/04.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	Settlement consent order issued. Hearing continued indefinitely until terms of settlement are satisfied. 12/22/03 – Penalty settlement received. Monitor compliance with consent order. Case closed.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	3/03 – Appeal reviewed by WW permits section. 10/31/03 – Dept. letter to Company attorney regarding meeting to discuss appeal. 12/03 – Discussions with company attorney regarding settlement. 1/04 – Letter received from facility attorney.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	Order/Penalty	AFO	Clark	Negotiating before filing.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	Order/Penalty	AFO	Murphy	1/13/04 – Response delayed through February due to conservatorship.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney.
5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	Order/Penalty	AFO	Murphy	Hearing held 2/17/04. Briefs will be filed.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	2/26/04 – Settled. Awaiting penalty payment.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.
5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	Consent settlement with SEP.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.

7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal. 11/03 – Appeal sent to DIA. Hearing set for 1/26/04. 12/03 – Petition filed with ALJ. Dept. answer filed. Hearing reset for 2/23/04 due to schedule conflict of MHP attorney. Hearing continued to 4/12/04 to discuss settlement.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	Partial site clean-up completed. Dept. to review wood waste management prior to penalty settlement discussions.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	2/16/04 – Penalty settlement received. Case closed.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	Hearing continued to 12/12/03 in order to allow settlement discussion. 10/28/03 – Letter to attorney regarding hearing and submittal of as-builts for water storage units. 11/18/03 – Motion for continuance filed with ALJ. 11/25/03 – Dept. response filed with ALJ. 12/01/03 – ALJ order rescheduling hearing for 7/9/04.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	9/24/03 – Settlement offer. 11/06/03 – Response from City. 11/12/03 – DNR response.
8/19/03	Harlan, City of	4	Order	WW	Hansen	10/15/03 – Plans and specs received from City engineer. 1/13/04 – Dept. issued construction permit for WWTF project.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	9/17/03 – Facility engineer to work with DNR engineer on revised schedule. 1/30/04 – Project status report requested from Dept. engineer. 2/26/04 – Letter to attorney for MHP regarding resolving appeal.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	Order/Penalty	UT	Wornson	2/18/04 – Penalty payment and tank fees received. Case closed.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Negotiating before filing.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance initiated, prepare settlement document.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Murphy	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/08/03	Central Counties Cooperative	5	Order/Penalty	AQ	Book	Settled. Awaiting final consent amendment.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
10/06/03	Custom Feeds, Inc.	6	Order/Penalty	AQ	Book	2/17/04 – Penalty payment received. Case closed.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	Order/Penalty	AQ	Book	Settled. Awaiting final consent amendment.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/08/03	D & S Swine, LLC	2	Order/Penalty	AFO	Murphy	11/26/03 – DNR contact with attorney.
10/17/03	River Valley Farms	5	Order/Penalty	AFO	Clark	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/04/03	Tom Wageman	4	Order/Penalty	AFO	Clark	Negotiating before filing.
11/18/03	Greenman Technologies	5	Order/Penalty	SW	Tack	Settlement documents signed. SEP to begin in 2/04.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	Siouxland Energy and Livestock	3	Order/Penalty	AQ/WW/H	Book	Continuing negotiations.

Environmental Protection Commission Minutes

March 2004

	Cooperative			C		
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	1/04 – Settled. Awaiting consent amendment.
12/01/03	Rick VanRoekel	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	Order/Penalty	UT	Wornson	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Murphy	Meeting held 2/3/04. 2/26/04 – DNR follow-up sent.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/05/04	Richard Reiter; Jerald Reiter (Jackson Co.)	1	Order/Penalty	AFO	Murphy	2/26/04 – DNR letter sent.
1/05/04	Richard Reiter; Jerald Reiter (Dubuque Co.)	1	Order/Penalty	AFO	Murphy	2/26/04 – DNR letter sent.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/22/04	Van Veldhuizen Dairy	3	Order/Penalty	AFO	Book	Negotiating before filing.
1/22/04	Nestle Purina Pet Care	1	Permit Conditions	AQ	Book	Negotiating before filing.
1/29/04	Loru Farm Partnership	3	Order/Penalty	AFO	Book	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal.
1/30/04	Don Jewell; Jewell's Skate Country	1	Permit Conditions	WS	Hansen	New case. 2/27/04 – Compliance by WS initiated.
2/03/04	McCarty Farms	3	Order/Penalty	AFO	Murphy	New case. 2/14/04 – Settled. Awaiting penalty payment.
2/04/04	Runnells, City of	5	Order/Penalty	WS	Hansen	New case. 2/12/04 – letter sent to City attorney regarding resolving appeal.
2/09/04	Lenox Manufacturing (11 permits)	5	Permit Conditions	AQ	Preziosi	New case.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	New case.
2/12/04	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	New case.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Murphy	New case.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Murphy	New case.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Murphy	New case.
2/18/04	Larry Johnson; Denzel Edwards	4	Order/Penalty	AQ/SW/H C	Tack	New case.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	New case.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	New case.
2/26/04	Wapsipinicon Country Club	1	Order/Penalty	WS	Tack	New case.

Iowa Department of Natural Resources Environmental Services Report of WW By-passes

During the period February 1, 2004 through February 29, 2004, 6 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
<i>October '03</i>	<i>8(5)</i>	0.182	0.010	3	1(0)
November '03	4(3)	0.701	0.264	2	0(0)
December '03	11(4)	0.209	0.065	2	0(0)
January '04	5(3)	0.479	0.165	3	0(0)
February '04	6(4)	0.170	0.036	1	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	1	0	5

INFORMATIONAL ONLY

GENERAL DISCUSSION

Kathryn Murphy said that we usually receive a legislative update from the Department at the April meeting.

Wayne Gieselmann said that he will e-mail the report.

NEXT MEETING DATES

April 19, 2004

May 17, 2004

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Vice Chairperson Darrell Hanson adjourned the meeting at 2:15 p.m., Monday, March 15, 2004.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Lisa Davis Cook, Secretary

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